

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF ALABAMA

OFFICE OF THE CLERK

POST OFFICE BOX 711

MONTGOMERY, ALABAMA 36101-0711

DEBRA P. HACKETT
CLERK

TELEPHONE

(334) 954-3610

October 2, 2007

Mr. Thomas K. Kahn, Clerk
United States Court of Appeals, Eleventh Circuit
56 Forsyth Street, NW
Atlanta, GA 30303

USDC No. CV-07-W-725-N

USCA No. _____

IN RE: STERLING RAY MCCRARY VS. ALABAMA COURT OF CRIMINAL APPEALS

Enclosed are documents regarding an appeal in this matter. Please acknowledge receipt on the enclosed copy of this letter.

☒ Certified copy of Notice of Appeal, docket entries. Judgment and Opinion/Order appealed from enclosed. If Opinion/Order was oral, please check box. []

☒ First Notice of Appeal: ☒ Yes, ☐ No Date(s) of Other Notices: _____

Was there a hearing from which a transcript could be made:

☐ Yes, The Court Reporter(s) is/are:

☒ No Date of Hearing(s): _____

THE FOLLOWING MATERIALS WERE SEALED IN THIS COURT (Order encl.): _____

☐ IFP; and/or APPEALABILITY/CPC is pending in this Court.

☐ Court Appointed Counsel/CJA; ☐ Yes; ☐ No; Copy of Order Enclosed:

☒ The Appellate docket fee has been paid ☐ Yes, ☒ No: _____ Date, Receipt# _____

☐ Appellant has been ☐ GRANTED; ☐ DENIED IFP, Copy of Order enclosed.

☐ Appellant has been ☐ GRANTED; ☐ DENIED CPC/APPEALABILITY, Copy of Order enclosed.

☐ Appeal Bond, ☐ Supersedeas Bond

☒ The District Judge or Magistrate Judge appealed from is Hon: WILLIAM KEITH WATKINS

This is an appeal from a bankruptcy order; Bankruptcy Judge: _____

☐ This is a DEATH PENALTY appeal.

Certified record on appeal consisting of:

☐ Volume(s) of Pleadings, ☐ Volume(s) of Transcripts,

☐ SEALED ITEMS, ie. ☐ PSI(s); OTHER _____; TAPE(s) _____

☐ Exhibits: _____ Envelope

☐ Volume (s) of Original Papers

cc:

Sincerely,

DEBRA P. HACKETT, CLERK

By: Yolanda Williams
Deputy Clerk

ANDERSON, APPEAL, CLOSED, INMATE

**U.S. District Court
Alabama Middle District (Montgomery)
CIVIL DOCKET FOR CASE #: 2:07-cv-00725-WKW-WC
Internal Use Only**

McCrary v. Alabama Court of Criminal Appeals et al
(INMATE1)
Assigned to: Honorable William Keith Watkins
Referred to: Honorable Wallace Capel, Jr
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 08/13/2007
Date Terminated: 08/29/2007
Jury Demand: None
Nature of Suit: 550 Prisoner: Civil
Rights
Jurisdiction: Federal Question

Plaintiff

Sterling Ray McCrary

represented by **Sterling Ray McCrary**
AIS 237087
ADOC FOUNTAIN JO DAVIS
Fountain/J O Davis Correctional
Facility
Fountain 3800
Atmore, AL 36503-3800
PRO SE




V.

Defendant

Alabama Court of Criminal Appeals

Defendant

Supreme Court of Alabama

Date Filed	#	Docket Text
08/13/2007		(Court only) ***Staff Attorneys added as interested parties., Assignment of Staff Attorney Anderson, ***Set Anderson and Inmate Flags (br,) (Entered: 08/13/2007)
08/13/2007	 <u>1</u>	Inmate 1983 COMPLAINT against Alabama Court of Criminal Appeals, Supreme Court of Alabama filed by Sterling Ray McCrary. (Attachments: # <u>1</u> supporting documents)(djy,) (Entered: 08/15/2007)
08/13/2007	 <u>2</u>	Application to Proceed Without Prepayment of Fees and Affidavit by Sterling Ray McCrary. (djy,) (Entered: 08/15/2007)

08/16/2007	● <u>3</u>	ORDER granting <u>2</u> motion for Leave to Proceed in forma pauperis; Directing Monthly Payments be made from Inmate's Prison Account until fee is paid in full, as further set out in order. Copies mailed to plaintiff and account clerk @ Fountain Correctional Facility. Signed by Judge Wallace Capel Jr. on 8/16/07. Furnished to cashier. (djy,) (Entered: 08/16/2007)
08/16/2007	● <u>4</u>	REPORT AND RECOMMENDATIONS of the Mag Jdudge that this case be dismissed with prejudice prior to service of process pursuant to the provisions of 28 USC 1915(e)(2)(B)(i); Objections to R&R due by 8/29/2007. Signed by Judge William Keith Watkins on 8/16/07. (djy,) (Entered: 08/16/2007)
08/16/2007	● <u>5</u>	Partial Filing fee received (money order): \$ 10.00, receipt number 4602000149 (djy,) (Entered: 08/16/2007)
08/29/2007	● <u>6</u>	OBJECTION to <u>4</u> Report and Recommendations by Sterling Ray McCrary. (Attachments: # <u>1</u> Exhibit 1; # <u>2</u> Exhibit 2)(djy,) (Entered: 08/29/2007)
08/29/2007	● <u>7</u>	ORDER overruling <u>6</u> Objection; adopting <u>4</u> Report and Recommendations; dismissing this case with prejudice prior to service of process in accordance with the provisions of 28 U. S. C. § 1915(e)(2)(B)(i). Signed by Judge William Keith Watkins on 8/29/2007. (cc,) (Entered: 08/29/2007)
08/29/2007	● <u>8</u>	FINAL JUDGMENT entered in favor of the defendants and against plaintiff; that this action is dismissed with prejudice; that the parties shall bear their own costs; that the clerk is directed to enter this document on the civil docket as a final judgment pursuant to Rule 58 of the Federal Rules of Procedure. Signed by Judge William Keith Watkins on 8/29/2007. (Attachments: # <u>1</u> Civil Appeals Checklist)(cc,) (Entered: 08/29/2007)
10/01/2007	● <u>9</u>	NOTICE OF APPEAL by Sterling Ray McCrary to the United States Court of Appeals for the Eleventh Circuit from the <u>7</u> Order Adopting Report and Recommendations, <u>8</u> Judgment, entered on 29th day of August, 2007.(ydw,) (Entered: 10/02/2007)
10/02/2007	●	Transmission of Notice of Appeal and Certified Copy of Docket Sheet and Order to US Court of Appeals re <u>9</u> Notice of Appeal (ydw,) (Entered: 10/02/2007)